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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,685	01/11/2001	Joseph Oreste Carnali	C6578(C)	9593

201 7590 06/26/2003

UNILEVER
PATENT DEPARTMENT
45 RIVER ROAD
EDGEWATER, NJ 07020

EXAMINER

MRUK, BRIAN P

ART UNIT	PAPER NUMBER
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1751

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DATE MAILED: 06/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/758,685

Applicant(s)

CARNALI ET AL.

Examiner

Brian P Mruk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 12, 2003 has been entered.
2. This Office action is a response to applicant's amendment filed on June 12, 2003. By amendment, applicant has amended claims 1, 3 and 12. Currently, claims 1-12 remain pending in the application.
3. The text of those sections of Title 35 U.S. Code not included in this action can be found in the prior Office actions, Paper Nos. 2 and 4.
4. The objection of claims 1-11 is withdrawn in view of applicant's amendments and remarks.
5. The rejection of claims 1-12 under 35 U.S.C. 102(b) as being anticipated by Zhou et al, EP 851,022 A2, is maintained for the reasons of record.

6. The rejection of claims 1-12 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of Zhou et al, U.S. Patent No. 6,210,600, is maintained for the reasons of record.

Response to Arguments

7. Applicant's arguments filed June 12, 2003 have been fully considered but they are not persuasive.

Applicant argues that Zhou et al, EP 851,022 A2, does not disclose the delivery of an anti-scaling polymer to a cold, penultimate rinse cycle preceding a heated, final rinse cycle. However, the examiner respectfully points out to applicant that Zhou et al, EP 851,022 A2, does indeed teach this limitation. Specifically, the examiner notes that Zhou et al, EP 851,022 A2, discloses that "The rinse aid composition is designed for use in the final rinse steps of the machine dishwashing operation, separately from the detergent composition used in the main wash cycle" (see page 1, lines 11-12 & page 15, lines 19-30 of Zhou et al, EP 851,022 A2), per the requirements of the instant invention. Thus, since Zhou et al clearly discloses that the rinse aid is delivered during several rinse cycles, and applicant's own disclosure states that all wash programs consist of at least one main wash, one cold rinse cycle, and one hot rinse cycle (see page 11, lines 1-17 of the instant specification), the examiner asserts that Zhou et al meets the limitations of the instant claims.

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Applicant argues that Zhou et al, U.S. Patent No. 6,210,600, does not teach that the rinse aid composition is released into a cold, penultimate rinse cycle preceding a heated, final rinse cycle. However, the examiner respectfully points out to applicant that Zhou et al, U.S. Patent No. 6,210,600, does indeed teach this limitation. Specifically, the examiner notes that Zhou et al, U.S. Patent No. 6,210,600, claims that "the rinse aid is introduced during the rinse cycles of the machine dishwasher to inhibit scale formation" (see col. 17, claim 1b of Zhou et al, U.S. Patent No. 6,210,600), per the requirements of the instant invention. Thus, since Zhou et al clearly discloses that the rinse aid is delivered during several rinse cycles, and applicant's own disclosure states that all wash programs consist of at least one main wash, one cold rinse cycle, and one hot rinse cycle (see page 11, lines 1-17 of the instant specification), the examiner asserts that Zhou et al meets the limitations of the instant claims.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Mruk whose telephone number is (703) 305-0728. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 (Before Final) and (703) 872-9311 (After Final).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

BPM

Brian Mruk
June 24, 2003

Brian P. Mruk

Brian P. Mruk
Patent Examiner
Tech Center 1700